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10/585,086	05/27/2009	Hisashi Ohashi	09812,0108	7691
22852	7590	03/21/2011	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			MONK, MARK T	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/585,086	OHASHI ET AL
	Examiner MARK MONK	Art Unit 2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on **24 January 2011**.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) **1-3,5-9 and 11-17** is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) **1-3,5-9 and 11-17** is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftperson's Patent Drawing Review (PTO-911)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No./Mail Date _____

4) Interview Summary (PTO-413)
 Paper No./Mail Date _____

5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 01/24/2011 with respect to claims 1 – 3, 5 – 9, and 11 – 17 have been considered but since the amendments are new subject matter filed on 01/24/2011 to the claims, arguments regarding the new amended material will not be addressed for not having been examined for, however how the prior art reads on the amended claims is addressed in the rejection in the current office action found below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 - 3, 5, 7 - 9, 11, 13 - 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soga et al U.S. Patent. No. 6,806,906 in view of Washino et al U.S. Reissued Patent No. RE38, 079 further in view of Sasagawa U.S. Publication No. 2005/0046725.

Regarding claim 1 Soga et al discloses in Fig. 1 – 8, of applicant's An imaging apparatus (column 3, line 65 – 66 digital still camera 1) comprising: an imaging unit for imaging an object and outputting a video signal (column 4, line 59 - 64 where the image of a subject is formed on the photoreceptor surface of an image sensing device 14 and column 4, line 24 – 26 where the external display output (Fig. 3) and the liquid crystal display device 9 displays the image of a subject obtained by imaging); output terminal units for outputting the video signal in different formats including a first output format and a second output format;

Soga et al further discloses of applicant's a generation unit (assistance frame is displayed on liquid crystal display device 9 in a form superimposed on the subject image) for generating capture assist marks (assistance frames in ROM 18) to be synthesized (signal processing circuit 17 executes image combining processing of the assistance frame with the subject image) with the video signal output (subject image from image sensing device 14, column 4, line 40 – 41 where the overall operation of the digital still camera 1 is controlled by a CPU 21 and column 5, line 19 – 33 where digital still camera 1 contains a ROM 18 storing image data representing an assistance frame (assistance lines) for assisting the user in composing the subject which is read out and applied to the digital signal processing circuit 17 which executes image combining processing in such a manner that the assistance frame is displayed on liquid crystal display device 9 in a form superimposed on the subject image obtained by imaging

camera 1), the capture assist marks including a first capture assist mark corresponding to the first output format and a second capture assist mark corresponding to the second output format;

Soga et al further discloses of applicant's a synthesis unit (digital signal processing circuit 17 combines assistance frame displayed on liquid crystal display device 9 in a form superimposed on the subject image) for synthesizing the capture assist marks (a users selects an assistance frame displayed on liquid crystal display device 9 such that CPU 21 controls subject image capture and digital signal processing circuit 17 superimposing the assistance frame on the subject image on liquid crystal display device) with the video signal (subject image from image sensing device 14);

Soga et al further discloses of applicant's an acceptance unit (user operating commands from operating buttons on a control panel 20 accepted by CPU 21) for accepting an instruction input about the capture assist marks (CPU 21 accepts signals indicating operating commands from operating buttons on a control panel 20 such that a superimposed image is displayed on liquid crystal display device 9, column 4, line 45 – 50 where operating buttons input to the CPU 21 are signals indicating operating commands from a control panel 20 including shift button 10, display button 11, power switch 8, execute button 7, mode setting dial 4, and up, down, left, right button 5 and column 6, line 60 – 67 and column 7, line 1 – 12 where of an image of the subject is displayed on liquid crystal display device 9 (step 52), display button 11 is pressed again

(i.e., for the second time) ("YES" at step 53), then the intersection-of-thirds assistance frame 31 is displayed in a form superimposed upon the captured image on liquid crystal display device 9 (FIG. 9, step 54) and if the left or right button of the up, down, left, right button 5 is pressed, other assistance frames are displayed on liquid crystal display device 9);

Soga et al further discloses of applicant's a control unit (CPU 21 controls the overall operation of the digital still camera 1) for controlling the output of the video signal (CPU 21, controlling camera 1, would control the video output to the external display output (Fig. 3) and the liquid crystal display device 9 that displays the image of a subject obtained by imaging) by the output terminal units, the controlling comprising: determining a format of the different formats used by one of the output terminal units; controlling the generation unit (a user selects an assistance frame displayed on liquid crystal display device 9 such that CPU 21 controls subject image capture and digital signal processing circuit 17 superimposing the assistance frame on the subject image on liquid crystal display device 9) and the synthesis unit (digital signal processing circuit 17 combines assistance frame displayed on liquid crystal display device 9 in a form superimposed on the subject image) based on (i) the instruction input accepted through the acceptance unit (user operating commands from operating buttons on a control panel 20 accepted by CPU 21) and (ii) the determined format of the different formats, to synthesize one or more of the capture control marks for the one of the output terminal (digital signal processing circuit 17 combines assistance frame displayed on liquid

crystal display device 9 and the external display output (Fig. 3) in a form superimposed on the subject image) units;

Soga et al discloses a multi mode camera with an external output outputting a synthesizing image of a captured image with a user selected composition assistance frame but does not expressively disclose output terminal units for outputting the video signal in different formats including a first output format and a second output format; the capture assist marks including a first capture assist mark corresponding to the first output format and a second capture assist mark corresponding to the second output format; a control unit for controlling the output of the video signal by the output terminal units, the controlling comprising: determining a format of the different formats used by one of the output terminal units; (ii) the determined format of the different formats, of the output terminal units;

Washino et al teaches outputting 16:9 widescreen and conventional 4:3 aspect ratio video formats to different output terminals. Washino et al teaches of Fig. 1 and 2B, of applicant's output terminal units for outputting the video signal in different formats (digital signal outputs 34, analog output signals 36, and digital video signals from fiber-optic interface 38, output video signal for 16:9 widescreen and conventional 4:3 aspect ratio video formats) including a first output format (16:9 widescreen aspect ratio) and a second output format (conventional 4:3 aspect ratio); a control unit (digital signal processor 28) for controlling the output of the video signal by the output terminal units

(output from digital signal processor 28 provides and controls signal outputs to digital signal outputs 34, analog output signals 36, and digital video signals from fiber-optic interface 38),

Washino et al further teaches of applicant's the controlling comprising:
determining a format of the different formats used by one of the output terminal units (digital signal processor 28 provides signal outputs, to formats having a 16:9 widescreen and conventional 4:3 aspect ratio, to digital signal outputs 34, analog output signals 36, and digital video signals from fiber-optic interface 38 would have the capability to determine a format of the different formats used by one of the output terminal units); (ii) the determined format of the different formats, (of the output terminal units digital signal processor 28 provides signal outputs, to formats having a 16:9 widescreen and conventional 4:3 aspect ratio, to digital signal outputs 34, analog output signals 36, and digital video signals from fiber-optic interface 38 would have the capability to determine a format of the different formats used by one of the output terminal units);

Washino et al further teaches in column 6, line 65 – 67 and column 7, line 1 – 35 where a digital video camera has an output from digital signal processor 28 which provides digital signal outputs 34 configured as RGB, Y/R-Y/B-Y, YUV, YIQ, or any other format, analog signal processor 32 provides the analog output signals 36 in the format desired including the RGB, Y/R-Y/B-Y, YUV, YIQ, composite video or Y/C

formats, or other formats as described above, and a fiber-optic interface 38 accepts digital video signals from the digital signal processor 28 and provides these signals through the fiber-optic cable 40. The camera will be suitable for the conventional/widescreen application where (column 5, line 10 – 11) the 16:9 widescreen application has an aspect ratio for HDTV systems and the conventional application has an 4:3 aspect ratio);

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine a multi mode camera with an external output outputting a synthesizing image of a captured image with a user selected composition assistance frame as disclosed by Soga et al with outputting 16:9 widescreen and conventional 4:3 aspect ratio video formats to different output terminals as taught by Washino et al so as to have a digital camera supplying many image signal output formats to many connected external devices requiring different formats;

The combination of Soga et al in view of Washino et al teaches a multi mode camera with 16:9 widescreen and conventional 4:3 aspect ratio video formats to different output terminals outputting a synthesizing image of a captured image with a user selected composition assistance frame but do not expressively teach the capture assist marks including a first capture assist mark corresponding to the first output format and a second capture assist mark corresponding to the second output format;

Sasagawa teaches a method of masking regions in an image to produce a 4/3 and 16/9 output image. Sasagawa teaches in Fig. 1 and 3A of applicant's the capture assist marks including a first capture assist mark (a widescreen image WP is provided with upper and lower blank masked regions 33a and 33b) corresponding to the first output format (16/9 widescreen aspect ratio) and a second capture assist mark (a standard image NP is output having lateral blank masked regions 33c added to lateral edges of the standard image NP and the upper and lower blank masked regions 33a and 33b) corresponding to the second output format (4/3 standard aspect ratio);

Sasagawa further teaches in paragraph 0046 where aspect ratio selector 22 selects the 4/3 standard aspect ratio and the 16/9 widescreen aspect ratio of the photographed image by (paragraph 0049 – 0050) digital still camera 10 which operates in a specific output mode (Fig. 3A) for outputting a video signal from the video output terminal 24. In the specific output mode a widescreen image (being a 16/9 image) WP is provided with upper and lower blank masked regions 33a and 33b added to the outside of upper and lower edges, to produce a processed image OPW, which is converted to a video signal (see #10 in Fig. 3A) and (paragraph 0053) a standard image (being a 4/3 image) NP is output having lateral blank masked regions 33c added to lateral edges of the standard image NP and the upper and lower blank masked regions 33a and 33b added to the upper and lower edges of the standard image NP, to create a processed image OPN2, which is converted to a video signal (see #10 in Fig. 3A);

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine a multi mode camera with 16:9 widescreen and conventional 4:3 aspect ratio video formats to different output terminals outputting a synthesizing image of a captured image with a user selected composition assistance frame as taught by the combination of Soga et al in view of Washino et al with a method of masking regions in an image to produce a 4/3 and 16/9 output image as taught by Sasagawa so as to allow the user of the imaging device to select different video output formats and then have the chosen output format output to a specific output terminal on the imaging device.

Regarding claim 2 of the combination of Soga et al in view of Washino et al further in view of Sasagawa, of applicant's a selection input acceptance unit (Soga et al further discloses in column 4, line 12 – 19 mode setting dial 4) for accepting selection input of a plurality of capture modes (Soga et al further discloses in column 4, line 12 – 19 an index mark 6 indicates a selected shooting mode or set-up mode among various modes on the left side of the mode setting dial 4, see Fig. 2) to output the video signal in different formats (Sasagawa teaches in paragraph 0046 aspect ratio selector 22 selects the 4/3 standard aspect ratio and 16/9 widescreen aspect ratio (paragraph 0049) for outputting (paragraph 0053) standard image and a widescreen image video signal from the video output terminal 24);

Of applicant's and a capture mode change unit (Soga et al further discloses

mode setting dial 4) for controlling the imaging unit (Soga et al further discloses operating buttons input to the CPU 21 are signals indicating operating commands from a control panel 20) in accordance with the selection input (Soga et al further discloses user selects the assistance frame using display button 11) accepted through the selection input acceptance unit (Soga et al further discloses a display button 11, column 4, line 45 – 50 where operating buttons input to the CPU 21 are signals indicating operating commands from a control panel 20 including display button 11, mode setting dial 4, and up, down, left, right button 5 and column 4, line 40 – 41 where a CPU 21 and digital signal processing circuit 17 performs combining and superimposing an assistance frame (column 6, line 60 – 67 and column 7, line 1 – 12) selected by a user using operating buttons on a control panel 20 of the (column 5, line 19 – 33) many assistance frames stored in ROM 18) and enabling a selected capture mode (Sasagawa teaches in paragraph 0046 aspect ratio selector 22 selects the 4/3 standard aspect ratio and 16/9 widescreen aspect ratio),

Of applicant's wherein the control unit (Soga et al further discloses in column 4, line 40 – 41 CPU 21 controls the overall operation of the digital still camera 1) controls the generation unit (Soga et al discloses a user selects an assistance frame output to the external output such that CPU 21 controls subject image capture and digital signal processing circuit 17 superimposing the assistance frame on the subject image and outputting the superimposed image to the external output) so as to generate the capture assist mark (Soga et al discloses assistance frame) in accordance with a selected

capture mode (Sasagawa teaches in paragraph 0046 aspect ratio selector 22 selects the 4/3 standard aspect ratio and 16/9 widescreen aspect ratio (paragraph 0049) for outputting (paragraph 0053) standard image and a widescreen image video signal from the video output terminal 24);

Regarding claim 3 of the combination of Soga et al in view of Washino et al further in view of Sasagawa teaches in claim 2 above of applicant's a selection input acceptance unit (Soga et al further discloses in column 4, line 12 – 19 mode setting dial 4) for accepting selection input of a plurality of capture modes (Soga et al further discloses in column 4, line 12 – 19 an index mark 6 indicates a selected shooting mode or set-up mode among various modes on the left side of the mode setting dial 4, see Fig. 2) to output the video signal in different formats (Sasagawa teaches in paragraph 0046 aspect ratio selector 22 selects the 4/3 standard aspect ratio and 16/9 widescreen aspect ratio (paragraph 0049) for outputting (paragraph 0053) standard image and a widescreen image video signal from the video output terminal 24);

Of applicant's and a capture mode change unit (Soga et al further discloses mode setting dial 4) for controlling the imaging unit (Soga et al further discloses operating buttons input to the CPU 21 are signals indicating operating commands from a control panel 20) in accordance with the selection input (Soga et al further discloses user selects the assistance frame using display button 11) accepted through the selection input acceptance unit (Soga et al further discloses a display button 11, column

4, line 45 – 50 where operating buttons input to the CPU 21 are signals indicating operating commands from a control panel 20 including display button 11, mode setting dial 4, and up, down, left, right button 5 and column 4, line 40 – 41 where a CPU 21 and digital signal processing circuit 17 performs combining and superimposing an assistance frame (column 6, line 60 – 67 and column 7, line 1 – 12) selected by a user using operating buttons on a control panel 20 of the (column 5, line 19 – 33) many assistance frames stored in ROM 18) and enabling a selected capture mode (Sasagawa teaches in paragraph 0046 aspect ratio selector 22 selects the 4/3 standard aspect ratio and 16/9 widescreen aspect ratio),

Of applicant's wherein the control unit (Soga et al further discloses in column 4, line 40 – 41 CPU 21 controls the overall operation of the digital still camera 1) controls whether or not to synthesize a capture assist mark (Soga et al further discloses in column 4, line 45 – 50 where operating buttons input to the CPU 21 are signals indicating operating commands from a control panel 20 such that CPU 21 could control whether or not to synthesize a capture assist mark based on a users input) generated by the generation unit (Soga et al discloses a users selects an assistance frame output to the external output such that CPU 21 controls subject image capture and digital signal processing circuit 17 superimposing the assistance frame on the subject image and outputting the superimposed image to the external output) in accordance with the selected capture mode (Sasagawa teaches in paragraph 0046 aspect ratio selector 22 selects the 4/3 standard aspect ratio and 16/9 widescreen aspect ratio (paragraph

0049) for outputting (paragraph 0053) standard image and a widescreen image video signal from the video output terminal 24).

Regarding claim 5 of applicant's wherein the acceptance unit can accept selection input of a capture assist mark generated at least from the capture assist marks. Claim 5 is rejected for the reasons found in claim 1 above where of the combination of Soga et al in view of Washino et al further in view of Sasagawa, Soga et al discloses in column 4, line 40 – 41 a CPU 21 and digital signal processing circuit 17 performs combining and superimposing an assistance frame (column 6, line 60 – 67 and column 7, line 1 – 12) selected by a user using operating buttons on a control panel 20 of the (column 5, line 19 – 33) many assistance frames stored in ROM 18 such that the subject image obtained by imaging camera 1 and the selected assistance frame are then displayed on liquid crystal display device 9.

Regarding claim 7, claim 7 is rejected for being fully encompassed by the rejection found in claim 1 above.

Regarding claim 8 of applicant's accepting selection input of a plurality of capture modes to generate differently formatted video signals; and controlling the imaging unit in accordance with the selection input and enabling a selected capture mode, wherein the generation step controls generation of the capture assist mark in accordance with the selected capture mode. Claim 8 is rejected for the reasons found in claims 2 and 7

above.

Regarding claim 9 of applicant's accepting selection input of a plurality of capture modes to generate differently formatted video signals; and controlling the imaging unit in accordance with the selection input and enabling a selected capture mode, wherein the synthesis step controls synthesis of the capture assist mark in accordance with the selected capture mode. Claim 9 is rejected for the reasons found in claims 3 and 7 above.

Regarding claim 11 of applicant's wherein the acceptance step accepts input for selecting a capture assist mark to be generated at least from a plurality of types of capture assist marks. Claim 11 is rejected for the reasons found in claim 7 above.

Regarding claim 13, claim 13 is rejected for being fully encompassed by the rejection found in claim 1 above.

Regarding claim 14 of applicant's a selection input acceptance unit for accepting selection input of a plurality of capture modes to generate differently formatted video signals; and a capture mode change unit for controlling the imaging unit in accordance with the accepted selection input and enabling a selected capture mode, wherein the control unit controls the generation unit so as to generate the capture assist mark in accordance with the selected capture mode. Claim 14 is rejected for the reasons found

in claims 2 and 13 above.

Regarding claim 15 of applicant's selection input acceptance unit for accepting selection input of a plurality of capture modes to generate differently formatted video signals; and capture mode change unit for controlling the imaging unit in accordance with the selection input accepted through the selection input acceptance unit and enabling a selected capture mode, wherein the control unit controls whether or not to synthesize a capture assist mark in accordance with the selected capture mode. Claim 15 is rejected for the reasons found in claims 3 and 13 above.

Regarding claim 16 of applicant's wherein the acceptance unit is configured to accept selection input of a capture assist mark generated at least from the capture assist marks. Claim 16 is rejected for the reasons found in claim 5 above.

4. Claims 6, 12, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soga et al U.S. Patent. No. 6,806,906 in view of Washino et al U.S. Reissued Patent No. RE38, 079 further in view of Sasagawa U.S. Publication No. 2005/0046725 as applied to claim 1 above, and further in view of Ejima U.S. Patent No. 6,188,432.

Regarding claim 6 of the combination of Soga et al in view of Washino et al, Soga et al further discloses of applicant's a change input acceptance unit for directly accepting input for a change between displaying and hiding the capture assist marks

(assistance frames in ROM 18) as a whole generated by the generation unit (assistance frame is displayed on liquid crystal display device 9 in a form superimposed on the subject image, column 5, line 19 – 33 where digital still camera 1 contains a ROM 18 storing image data representing an assistance frame (assistance lines) for assisting the user in composing the subject which is read out and applied to the digital signal processing circuit 17 which executes image combining processing in such a manner that the assistance frame is displayed on liquid crystal display device 9 in a form superimposed on the subject image obtained by imaging camera 1); and change control unit for changing between displaying and hiding the capture assist marks (assistance frames in ROM 18) as a whole in accordance with the change input accepted through the change input acceptance unit;

The combination of Soga et al in view of Washino et al further in view of Sasagawa teaches a multi mode camera with 16:9 widescreen and conventional 4:3 aspect ratio video formats producing 4/3 and 16/9 output images to output terminals and outputting a synthesizing image of a captured image with a user selected composition assistance frame but do not expressively teach a change input acceptance unit for directly accepting input for a change between displaying and hiding the capture assist marks as a whole generated by the generation unit; and change control unit for changing between displaying and hiding the capture assist marks as a whole in accordance with the change input accepted through the change input acceptance unit;

Ejima teaches the function of a user turning on an image from memory overlaying another image in a display and turning off the image from memory overlaying another image in a display. Ejima teaches of Fig. 1 – 4, of applicant's change input acceptance unit (switch icon "ON/OFF") for directly accepting input (user input) for a change between displaying and hiding (ON/OFF) the capture assist marks as a whole generated by the generation unit (column 4, line 64 – 67 and column 5, line 1 - 7 where a user creates a line drawing and CPU 36 stores the line drawing in memory card 24 and column 11, line 13 – 27 where a user to selects whether the line drawing in memory card 24 is displayed on the LCD 6 at all by a switch (an icon with the words "ON/OFF") displayed on the LCD 6 (see FIGS. 9A)); and change control unit (switch icon "ON/OFF") for changing between displaying and hiding (ON/OFF) the capture assist marks as a whole in accordance with the change input (user input) accepted through the change input acceptance unit (switch icon "ON/OFF" displays line drawing on the LCD 6 in the ON state and does not display the line drawing on the LCD 6 in the OFF state);

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine a multi mode camera with 16:9 widescreen and conventional 4:3 aspect ratio video formats producing 4/3 and 16/9 output images to output terminals and outputting a synthesizing image of a captured image with a user selected composition assistance frame as taught by the combination of Soga et al in view of Washino et al further in view of Sasagawa with the function of a user turning on

an image form memory overlaying another image in a display and turning off the image from memory overlaying another image in a display as taught by Ejima so as to be able to display and not display by a user command an image stored in memory and an object image together by superimposing the stored image onto the object image.

Regarding claim 12 of applicant's accepting input for a change between displaying and hiding the plurality of capture assist marks as a whole generated at the generation step; and changing between displaying and hiding the plurality of capture assist marks as a whole in accordance with the change input accepted at the change input acceptance step. Claim 12 is rejected for the reasons found in claims 6 and 7 above.

Regarding claim 17 of applicant's a change input acceptance unit for directly accepting input for a change between displaying and hiding the capture assist marks as a whole generated by the generation unit; and a change control unit for changing between displaying and hiding the capture assist marks as a whole in accordance with the change input accepted through the change input acceptance unit. Claim 17 is rejected for the reasons found in claims 1 and 6 above.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK MONK whose telephone number is (571) 270-7454. The examiner can normally be reached on Monday thru Friday 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sinh Tran/
Supervisory Patent Examiner, Art
Unit 2622

/M. M./
Examiner, Art Unit 2622